

FARMINGTON CITY
PLANNING COMMISSION MEETING
February 16, 2012

WORK SESSION

Present: *Chairman Michael Nilson, Commissioners Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, and Michael Wagstaff, Alternate Commissioners Brad Dutson and Mack McDonald, Community Development Director David Petersen, Associate City Planner Christy Alexander, City Traffic Engineer Tim Taylor and Recording Secretary Cynthia DeCoursey. Commissioner Brett Anderson was excused.*

#4 – Symphony Homes – (Public Hearing) – Applicant is requesting Schematic Plan approval for the Chestnut Farms PUD Subdivision Phase 2 encompassing 19.71 acres and consisting of 31 lots located at approximately 300 South 1350 West in an A zone. (S-16-11)

City Traffic Engineer **Tim Taylor** presented information regarding the City's Master Transportation Plan. He focused on the area included in and surrounded by the Chestnut Farms PUD and showed an aerial view of the area including the future phase of the Symphony Homes development. He believes that if the proposed short street extending 475 South Street to the west is not available, the first phase of Chestnut Farms may have more traffic in the future, and the various connections will help slow traffic down in the area. **David Petersen** informed the Commission that the Public Works Department re-opened a ditch in the area and is currently re-grading a detention basin at the end of 475 South Street to assist with drainage problems.

REGULAR SESSION

Present: *Chairman Michael Nilson, Commissioners Rick Draper, Kris Kaufman, Brigham Mellor, Bob Murri, and Michael Wagstaff, Alternate Commissioners Brad Dutson and Mack McDonald, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Cynthia DeCoursey. Commissioner Michael Wagstaff left the meeting at 7:45, and Brett Anderson was excused.*

Chairman Nilson called the meeting to order at 7:05 p.m., and **Rick Draper** offered the opening prayer.

Minutes – January 26, 2011

Motion:

Rick Draper made a motion to approve the minutes of the January 26, 2011 Planning Commission meeting. The motion was seconded by **Bob Murri** and approved by Commissioners **Draper, Kaufman, Mellor, Murri, and Nilson**, and Alternate Commissioners **Dutson** and **McDonald**.

City Council Report

Christy Alexander said the Council approved the Schematic Plan for the Meadow View Conservation Subdivision subject to an additional public hearing which will be held at the Commission level when the Preliminary Plat is submitted. The Final Plat for Tuscany Cove Phase 2 was tabled to allow additional time for the developer and property owner to work out several details.

SUBDIVISION APPLICATIONS

#3 – Candland Olsen – (Public Hearing) – Applicant is requesting Schematic Plan approval for the Farmington Creek Estates Subdivision Phase 3 A encompassing 3.38 acres and consisting of one lot located at approximately 800 West Glover Lane in an AE zone. (S-2-12)

Christy Alexander explained that this schematic plan is for Phase 3A, and the proposed lot has 20,188 square feet and an open space parcel to the north. The property is in an AE zone, and the applicant would like to reduce the number of lots in Phase 4 from 7 to 6 and move the extra lot to a portion of his open space on Glover Lane. If the lot is approved, there will be exactly enough open space leftover to meet the requirements for the entire Farmington Creek Estates project, which is a planned unit development. She also quoted Section 10-9a-609 of the Utah Municipal Code regarding land use authority and the approval or vacation of an amended plat.

Candland Olsen, 776 Wood Moor Circle, Bountiful, has owned this property for 40 years. Several years ago he sold Phase 3 to developer **Rick Wood** and builder **Blake Matthews** but kept Lot 326 and the open space. He later sold both parcels to them, but they did not complete the project, and he lost \$160,000 plus interest. He now owns the open space. He offered to sell the property to adjacent residents, but they were not interested, so he would like to create a 1/2-acre lot instead of one of the lots in phase 4, which may be less desirable to build on because of an easement along Farmington Creek.

Public Hearing: The public hearing was opened at 7:20 p.m.

Ben Barrus, 872 S. Country Lane, Lot #322, was the marketing agent for this project and was told from the beginning that this dedicated open space would never be developed. The developers promised a park between Lots 310 and 311, nice entrance features, manicured streams and beautiful landscaping, but they were either unable and/or unwilling to meet the commitments made to **Mr. Olsen** and to the homeowners within the project. He read portions of the CC&Rs of the Farmington Creek Estates Phase 3 PUD recorded on July 8, 2009 and a letter from City Planner **David Petersen** written November 3, 2011 which states: "A drainage way also traverses the site from north to south, and upon recordation of the plat, the City ensured the preservation of this water way by requiring that the property owner convey a drainage easement to the City encompassing the entire Parcel #3. For these reasons, this parcel cannot be built upon and must remain as open space."

Trevor Farnes, 924 S. Country Lane, Lot 319, said he will also be affected by this proposal, and he agrees with the comments made by **Ben Barrus**. Prior to purchasing his lot, he carefully reviewed the CC&Rs. He purchased his lot because of the legally binding CC&Rs, and they should be followed through with.

Peter Miller, 906 Country Lane, Lot 320, will be directly affected by this proposal. He is very concerned with the proposed changes and said that last week a barbed wire fence was placed behind his home which is in direct violation of Section 5.2 of the CC&Rs. He is concerned for the safety of his own children and other children in the neighborhood and said there is a great deal of debris, wire, etc. on the property which is dangerous. Section 5.4 says: "No animals of any kind shall be kept on the property." He purchased his lot in 2007 at a premium price and in good faith that the open space behind it could not be altered.

The public hearing was closed at 7:25 p.m. and the Commission discussed the drainage easement, the possible vacation of the easement, and various issues regarding this request. **David Petersen** said he could not recall the context of the letter and asked for additional time to research the matter. **Chairman Nilson** informed the residents that the Planning Commission's role is to provide a recommendation to the City Council—they will make the final ruling on the application. He suggested that this item be tabled to receive input from the City Attorney.

Motion:

Rick Draper made a motion to table this request to allow staff to conduct additional research regarding the letter written in November 2011 and to receive advice from the City Attorney. The motion was seconded by **Kris Kaufman** and approved by Commissioners **Draper**, **Kaufman**, **Mellor**, **Murri**, and **Nilson**, and Alternates **Dutson** and **McDonald**.

#4 – Symphony Homes – (Public Hearing) – Applicant is requesting Schematic Plan approval for the Chestnut Farms PUD Subdivision Phase 2 encompassing 19.71 acres and consisting of 31 lots located at approximately 300 South 1350 West in an A zone. (S-16-11)

Christy Alexander said the proposed roads in this area are a major concern, and staff is working with the developer on a plan to extend 300 South and stub a street into the Jung property. Another issue is drainage, and staff met with the Development Review Committee and residents in the area to discuss possible solutions. For these reasons, Staff is recommending that the Commission table this item.

John Wheatley, 526 N. 400 W., North Salt Lake, said Symphony Homes has already been delayed six weeks on this request and would like the Commission to approve it tonight. He pointed out that three lots were removed from the plat to ensure that the area is sufficient for a connector road into the Jung property, and the drainage issues will be further addressed with their preliminary plat application.

Public Hearing: The public hearing was opened at 8:00 p.m.

Leslie Cook, 1266 W. 475 S., is concerned about drainage and is grateful that Symphony Homes is planning to address the issue. She asked the City to require a plan for water flow through 1350 West. She is not opposed to development, but she is opposed to these small lots which will only add to the existing drainage problems, and she asked that the City not allow basements in Phase 2. She is also concerned about future roads, and the City has said many times that each phase of Chestnut Farms has to stand on its own and meet safety requirements.

Chase Bybee, 1418 W. 475 S., commented that Phase 2 will affect Phase 3 and said the public was not allowed to offer input on a 2005 plan for a connection through the Jung property which would provide access to 1525 West. That option would have to cross wetland, and mitigating wetlands may not be a great idea because they provide value to a community and act as a retention basin. In a meeting held May 27, 2004, **David Petersen** stated that according to a consultant and the Army Corps of Engineers: "These wetlands are high quality and should be preserved." The temporary basin is too small and is not fenced which could be a safety issue. All of the homeowners on 475 S. and its related side streets purchased their lots based on the findings of the City Council—that it would be a conforming dead-end street. There was nothing in the findings that suggested the cul de sac may be eliminated in the future to connect to Chestnut Farms. A Special Improvement District (SID) was formed, and each homeowner paid a share for the street—his assessment was \$16,310.56—so the proposal to eliminate it and have a through street does not seem fair. The City needs to determine the best connection to 1525 W. and to 475 South prior to the approval of Phase 2. He asked why Symphony Homes has not been required to have designated open space. He appreciates the efforts the City has made regarding water issues and encouraged them to find more solutions.

Lyn Gee, 1283 W. 475 S., opposes 475 South as a through street to 1525 West. When the street was designed, he was assured that it would be a conforming dead-end street and would not be a through street. He is also very concerned about the water issues, and he has a neighbor who lives in a Symphony Home who has been using his water pump for several months. He will also be impacted by additional traffic, and he asked that the Commission not approve this subdivision until the other phases are drawn and the residents know how they are going to be affected.

Steven Bouck, 1392 W. 475 S., proposed that since this request is being tabled, a Schematic Plan for Phase 3 also be submitted so the residents have a full understanding of the traffic flow.

Conley Lindsay, 407 S. 1350 W., is concerned because the current Symphony Homes have many drainage problems. The City's efforts released some of the water, but there are still problems, and he asked them not to approve Phase 2 until the drainage issues in Phase 1 are addressed. Homeowners in his subdivision and other homeowners in west Farmington have been required by the City to retain their own water, but Symphony Homes has not been required to do that. They are running the water through pipes to detention ponds, and there are too many homes to handle the drainage issues.

Jake Barker, 517 S. 1250 W., agrees that the City should require a Phase 3 schematic plan with the Phase 2 Schematic Plan. He attended the traffic meeting prior to this meeting and does not want the connection on 475 S. to 1525 W. because traffic from Farmington Ranches traffic will take shortcuts through his subdivision. It is not right

or fair that the City plans to eliminate a cul de sac in one subdivision but then allow another developer to put in several cul de sacs. The Traffic Engineer said it will be more convenient for them if 475 S. goes through, but it is not right to mess with someone's daily life by eliminating their cul de sac.

Stacy Nielsen, 494 S. 1250 W., is a resident of the street in question and a member of the Farmington Trails Committee. Her neighbors have severe property damage because of excess water, and the Phase 1 drainage system does not work—there are currently ponds in her neighbors' backyards. She asked the Commission to deny approval for Phase 2, to encourage Symphony to find other outlets to 1525 W., to include a pedestrian access on 475 S., and to have a connecting street to 1525 W. She feels this will enhance her neighborhood and allow their children safe passage to other subdivisions. The children are not used to through traffic, the bus route to Eagle Bay Elementary may be lost, and their property values may be impacted. The Trails Committee has proposed an easement for a trail on Lot 228 which would connect to 1525 West—this proposal is included on the 10-year Master Trails Plan.

Steven Glossner, 494 S. 1250 W., attended the traffic meeting and heard about connectivity—which is great for an electrician like himself. He and his wife moved to Farmington because of the rural feel, and they bought a lot on a conforming street. He is not as worried about the traffic on his street, but he is worried about the traffic on the streets these children will be walking on if they lose their bus route. They do not want to be an outlet for the Symphony Homes development. He would also like to see a plan for Phase 3. Symphony Homes does not seem to care about the loss of the existing cul de sac which will be at the expense of the homeowners.

Valerie Bybee, 1418 W. 475 S., said **David Petersen** made an incorrect statement regarding 475 South. She spoke with the Planning Commission, the City Council and Symphony Homes and was told not to worry—the Army Corps of Engineers would never allow that road to go through. They paid for the cul de sac, and she was told that their street would remain a cul de sac.

Calvin Squires, 1244 W. 475 S., asked that Symphony Homes be required to submit a master plan showing the connector streets for Phase 3.

Kyle Harward, 426 S. 1350 W., is a real estate appraiser who has dealt with these types of issues for years. All three phases should have been tentatively laid out so property owners in the area have some idea of where streets will be located and how excess water will be handled.

Mr. Wheatley said a master plan of the entire development was shown in grey scale when Phase 2 was submitted, and it is common practice to complete larger projects in smaller phases. A drainage system was installed on Phase 1 to deal with the excess water. Symphony Homes has solved a problem with a home's damp proofing, another home's yard was sloped away from the house, and they are installing a sump pump in a third home. A similar drainage system is planned for Phase 2. They are bound by the City's Subdivision Ordinance and will continue working with the City to address these issues.

The public hearing was closed at 8:48 p.m. and **David Petersen** responded to questions regarding excess water, the Phase 3 Schematic Plan and Master Plan requirements, the Jung property, proposed streets, etc.:

- The City cleaned out a private ditch in the area which has helped the situation, but there are still water retention issues. "Detention" is when the water has an outlet, and it is often metered to a ditch according to the historical flow. "Retention" is when all the water generated on the site remains on the site. When 475 South was developed, each parcel was required to have a retention basin, and the goal is to have Symphony Homes retain all of their water on site, but the capacity of the ditch is unknown.
- Section 12-7-04 of the City's Subdivision Ordinance states: "Street patterns in the subdivision shall be in conformity with the master street plan for the most advantageous adjoining of the surrounding areas and the entire neighborhood or district. In the event a master street plan does not exist, the subdivider should prepare such a plan for review and approval by the Planning Commission and City Council prior to

consideration of a subdivision application.” He suggested that at a minimum the master plan should include the Symphony property and the stub going north and crossing the Bangerter property to 1100 West. It is Symphony’s right to delay rezoning Phase 3 (taxes will be higher), but it is fine to require them to share what they anticipate for Phase 3.

- There is a band of wetlands across the Jung’s property which includes an agricultural crossing, and they own the adjacent parcel which appears to be 50% wetlands. The Army Corps of Engineers is more likely to approve the widening of a crossing rather than a new crossing.
- The developer is bound by the City’s Subdivision Ordinance regarding block and street dimensions--475 South is narrower than some streets but is within the City’s local street standard.
- Bus route issues would be handled through the Davis School District.
- The SID was created because the City had no idea if the land to the west would develop at all, so the Public Works Department gave approval for the cul de sac because their goal was to have a turn around.
- Symphony Homes will be required to dedicate the proper amount of open space. The City has met with them several times to review their yield plan and discuss expectations with regard to open space.
- There was discussion regarding the documentation of promises made in the past, and **Mr. Petersen** pointed out that even if there was written documentation, the City has to do what is best for everyone and what makes sense from planning and engineering practices.

Motion:

Kris Kaufman made a motion to table this item and directed staff to meet with the Jung family regarding a stub street and to require Symphony Homes to provide a master plan and an updated schematic plan at the next Commission meeting on March 1, 2012. Another public hearing will not be held. **Rick Draper** seconded the motion which was approved by Commissioners **Draper, Kaufman, Mellor, Murri, and Nilson**, and Alternate Commissioners **Dutson and McDonald**.

ZONING AMENDMENT APPLICATION

#5 – Symphony Homes – (Public Hearing) – Applicant is requesting a recommendation to amend the City’s Zoning Map by re-zoning all of Chestnut Farms PUD Phase 2 from A (Agricultural) to AE (PUD) (Agricultural Estates (Planned Unit Development)). (Z-1-12)

Public Hearing:

Chairman Nilson opened the public hearing at 9:35 p.m.

Leslie Cook, 1266 W. 475 S., said part of this area is directly behind her home, and there are 11 homes along the street with the cul de sac. At one time the ditch across the back of those properties was the easement, but when the SID was implemented, the road was moved to its current location. She and the other homeowners were asked to give some of their frontage for the road, and the easement in the back was turned over to them. The two ditches that are currently located across Chestnut Farms Phase 2 were an easement at one time.

Cami Lindsey, 407 S. 1350 W., expressed thanks to the City for dredging the ditch—it lowered the water level about 12 inches, but there is still a lot of water. She questioned the rezoning because the entire area is covered with water and asked the City to require a solution prior to giving Symphony Homes a green light to move forward with building additional homes.

The public hearing was closed at 9:40 p.m.

Motion:

Bob Murri made a motion that the Planning Commission recommend that the City Council approve the requested zone change from A (Agricultural) to AE (PUD) (Agricultural Estates (Planned Unit Development)) on approximately 19.71 acres of property associated with the Chestnut Farms PUD Subdivision Phase 2 located at approximately 300 South 1350 West. **Brigham Mellor** seconded the motion which was approved by Commissioners **Draper, Kaufman, Mellor, Murri, and Nilson**, and Alternate Commissioners **Dutson** and **McDonald**.

Findings for Approval:

1. The requested zone change is consistent with the General Plan for the area.
2. The requested zone change is associated with the requested Phase 2 subdivision application for the Chestnut Farms PUD Subdivision. The schematic plan as submitted is consistent with the requested zone.
3. Symphony Homes requested and were granted the same zone change when they came in for Phase 1 approvals of the same PUD subdivision.
4. The City's policy since 1993 is that any land east of the 4218 line will be zoned AE.

OTHER BUSINESS

David Petersen distributed copies of the proposed Billboard Amendment which is currently being considered by the Legislature, and there was a brief discussion of related issues.

ADJOURNMENT

Motion:

At 9:45 p.m. **Kris Kaufman** made a motion to adjourn the meeting. The motion was approved by Commissioners **Draper, Kaufman, Mellor, Murri, and Nilson**, and Alternate Commissioners **Dutson** and **McDonald**.

Michael Nilson, Chairman
Farmington City Planning Commission